

**REMARKS**

The claims are 22-26, 30-40 and 42-44, with Claim 22 being the sole independent claim. Claims 1-21, 27-29 and 41 have been cancelled without prejudice or disclaimer.

Previously pending Claims 22-41 were subject to restriction and/or election requirement under 35 U.S.C. 121 and 372.

The Examiner divided the claims into 2 groups:

Group I: the composition of the dosage form, and

Group II: the disease or disorder being treated using the composition.

In Applicants' response dated August 11, 2008, Applicants elected to prosecute the claims of Group I directed to the composition of the dosage form. Pursuant to M.P.E.P. §821.04, Applicants request that the method of use (method of treatment) claims 42-44, which depend from and thereby include all of the limitations of the base composition claims 22-26 and 30-40, be rejoined in this application when the composition claims are subsequently found allowable.

Applicants also noted that the Examiner required further species elections. Regarding the First Species Election, Applicants elected to prosecute claims directed to a dosage form species containing a third composition, wherein the third composition is an enteric coating, having one or more openings extending substantially completely through the third composition.

Regarding the Second Species Election (election of a disease or disorder being treated), Applicants provisionally elected the treatment of blood glucose disorders: treatment of diabetes mellitus, metabolic syndrome, impaired glucose tolerance or impaired fasting glucose – which disorders are presented in new claim 42.

In response to the Communication of November 17, 2008, Applicants further elect treatment of diabetes mellitus as the single disease or disorder species.

However, as indicated above, because Applicants have elected to prosecute the claims directed to the composition of the dosage form, Applicants request that all of

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the method of treatment claims 42-44, which now depend from and thereby include all of the limitations of the base composition claims 22-26 and 30-40, be rejoined in this application when the composition claims are subsequently found allowable.

Respectfully submitted,

  
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